

## **MINUTES**

### **TENNESSEE SOLID WASTE DISPOSAL CONTROL BOARD MEETING GATLINBURG CONVENTION CENTER ROOMS 9 AND 10 GATLINBURG, TENNESSEE**

**APRIL 29, 2003**

#### **Board Members Present:**

Mr. Wilton Burnett  
Ms. Janet Evans  
Mr. Joe Mahan  
Dr. Greg Nail  
Mr. J. P. Newman, Chairman  
Mr. Ken Pointer  
Mr. Robert Waddell  
Mr. David Wallace  
Mr. Bob Whetsel  
Mr. Glenn Youngblood

#### **Board Members Absent:**

Mr. Sizwe Herring

Chairman Newman called the meeting to order at 9:01 a.m. After noting that a quorum was present, he welcomed the board members and guests.

**I. SOLID WASTE DISPOSAL CONTROL BOARD MATTERS**

**A. Approval of Minutes from the February 4, 2003 Board Meeting**

Chairman Newman asked if the Board members had reviewed the Draft Minutes from the February 4, 2003 Board Meeting. There were no questions or changes by the Board members. A **motion** was made by Mr. Waddell and **seconded** by Mr. Pointer, **to approve the Minutes from the February 4, 2003 Board Meeting as presented. The motion carried unanimously by voice vote.**

**II. GENERAL BUSINESS/STAFF REPORTS**

**A. Quarterly Report on Hazardous Waste Permitting (October-December 2002, January- March 2003)**

Ms. Jamie Burroughs, in the Treatment, Storage and Disposal Section of the Division of Solid Waste Management, reported on the Hazardous Waste Permitting activities for October-December 2002, and January-March 2003. There were no questions or comments from the Board Members.

**III. REGULATORY MATTERS**

**A. Proposal to List FW Gable Site, Yorkville (#27-506/Gibson County), on the list of Inactive Substances Sites**

Mr. Bob Powell, Enforcement Manager for the Division of Superfund provided Board members an overview regarding the FW Gable Site. He stated that a public hearing was held on February 20, 2003 at the Yorkville Community Center to receive comments from the public. One person

attended the meeting, however, no formal comments were received. The FW Gable site is proposed for addition to the List of Inactive Hazardous Substances sites because the site is inactive, hazardous substances are present and released to site soils and there is a potential threat to human health and the environment.

After review and discussion by the Board, a **motion** was made by Mr. Burnett and **seconded** by Mr. Waddell, **to List FW Gable Site, Yorkville (#27-506/Gibson County), on the list of Inactive Substances Sites.** There was no further discussion, and the **motion carried unanimously by a roll call vote. The vote was as follows:**

<b>Burnett</b>	<b>Yes</b>	<b>Evans</b>	<b>Yes</b>
<b>Herring</b>	<b>Absent</b>	<b>Mahan</b>	<b>Yes</b>
<b>Nail</b>	<b>Yes</b>	<b>Newman</b>	<b>Yes</b>
<b>Pointer</b>	<b>Yes</b>	<b>Waddell</b>	<b>Yes</b>
<b>Wallace</b>	<b>Yes</b>	<b>Whetsel</b>	<b>Yes</b>
<b>Youngblood</b>	<b>Yes</b>		

**B. Consideration for the Adoption of Revision “p” Solid Waste Program Regulations**

Mr. Glenn Birdwell, with the Solid Waste Program provided Board members an overview regarding the adoption request for 1200-1-7 Solid Waste Program Regulations. The proposed amendments were published in the *Tennessee Administrative Register*, January 15, 2003. A public hearing was held on February 19, 2003 there were no verbal comments received at the public hearing. Several written comments were received and Mr. Birdwell discussed the comments submitted.

These comments proposed to change definitions, change dates for submittal of documentation, change methods by which inflation is factored

and financial assurance filed, TCA changes, the use of maximum contaminant levels to determine groundwater protection standards and clarification of fee structures. These comments were reviewed by the Solid Waste staff and incorporated into the rules.

After review and discussion by the Board, a **motion** was made by Mr. Youngblood and **seconded** by Ms. Evans, **to adopt Revision “p” Solid Waste Program Regulations**. There was no further discussion, and the **motion carried unanimously by a roll call vote. The vote was as follows:**

<b>Burnett</b>	<b>Yes</b>	<b>Evans</b>	<b>Yes</b>
<b>Herring</b>	<b>Absent</b>	<b>Mahan</b>	<b>Yes</b>
<b>Nail</b>	<b>Yes</b>	<b>Newman</b>	<b>Yes</b>
<b>Pointer</b>	<b>Yes</b>	<b>Waddell</b>	<b>Yes</b>
<b>Wallace</b>	<b>Yes</b>	<b>Whetsel</b>	<b>Yes</b>
<b>Youngblood</b>	<b>Yes</b>		

C. **Revision “w” Hazardous Waste Regulations Readoption Consideration**

Mr. Jerry Ingram, manager of the Program Development section summarized changes that were made to Revision “w”. The board on February 4, 2003 initially adopted this revision. There were comments and corrections brought to the staff’s attention by EPA. There were some items that were omitted, typos, and punctuation errors that were corrected.

After review and discussion by the Board, a **motion** was made by Mr. Mahan and **seconded** by Ms. Evans, **to readopt Revision “w” Hazardous Waste Program Regulations**. There was no further discussion, and the **motion carried unanimously by a roll call vote. The vote was as follows:**

<b>Burnett</b>	<b>Yes</b>	<b>Evans</b>	<b>Yes</b>
<b>Herring</b>	<b>Absent</b>	<b>Mahan</b>	<b>Yes</b>
<b>Nail</b>	<b>Yes</b>	<b>Newman</b>	<b>Yes</b>
<b>Pointer</b>	<b>Yes</b>	<b>Waddell</b>	<b>Yes</b>
<b>Wallace</b>	<b>Yes</b>	<b>Whetsel</b>	<b>Yes</b>
<b>Youngblood</b>	<b>Yes</b>		

### **III. AGREED/CONSENT ORDERS**

#### **A. Environmental Trust Company SWM Case # 02-0095/McMinn County**

Mr. Max Fleischer, Assistant General Counsel for the Department, distributed copies of his summary, the original Director's Order and the proposed Agreed Order to the Board members for their review.

The summary stated that the Director of the Division of Solid Waste Management issued the Director's Order. The Respondent overfilled its Class I landfill which is called the Meadow Branch Landfill. It had been overfilled so that it had a 2:1 slope prior to closure of that area. The Respondent's permit provided that Area D would have a 3:1 slope. The Respondent has resolved eighty percent of the overfilling after it applied for and was granted a permit modification in May 2002. Subsequently, the Respondent performed any necessary activities to bring Area D in compliance with the modification. The Original Director's Order in this matter assessed \$25,000.00 in up-front penalties.

The Agreed Order provides for a \$20,000.00 civil penalty. Additionally, the Respondent agrees to address the remaining twenty percent of the overfilled waste. Specifically, the Agreed Order requires the Respondent to perform one of the following by August 1, 2003:

- (a) Submit an application for a lateral expansion of the landfill which would include the area where the remaining overfilled waste is located and to immediately implement the modification upon; or
- (b) Remove the overfilled waste from the area where the overfilling occurred, dispose of it legally and document the same to the Division.

If the Respondent fails to perform either (a) or (b), the Agreed Order requires the Respondent to pay an additional \$5,000.00 in civil penalties.

After review and discussion a **motion** was made by Mr. Waddell, and **seconded** by Ms. Evans, **to approve the proposed Agreed Order**. There was no further discussion, and **the motion carried by voice vote**.

#### **IV. OTHER BUSINESS**

##### **A. Miscellaneous Information Update**

Mr. Jerry Ingram, manager of the Program Development Section presented to the board members the Final Authorization of State Hazardous Waste Management Program Revision. This was published in the April 11, 2003 Federal Register. The comment period for this ends on May 12, 2003. Mr. Ingram also informed the board members that on June 10, 2003 the Post-closure rule becomes effective for Tennessee in lieu of EPA. Also, the annual Hazardous Waste Penalty policy was placed incorrectly on the Internet. This has now been corrected.

Mr. Mike Apple discussed with the board members about legislation pending to sweep fund EPF dollars and putting them into the budget. The Division of Solid Waste Management will have some funds taken. He also discussed the Coster Site in Knoxville and the groundwater contamination site in Dixon.

**There was no further business by the Board or staff, a Motion was made by Mr. Youngblood and seconded by Mr. Waddell to Adjourn at 09:45 a.m. on Tuesday, April 29, 2003.**

**SUBMITTED BY:**

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**Mike Apple, Technical Secretary**

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**Date**

**APPROVED BY:**

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**J.P. Newman, Chairman**  
**Solid Waste Disposal Control Board**

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**Date**